



California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

Title 27 Unified Program Administrative Cleanup Regulations

45-Day Public Notice and Comment Period

NOTICE IS HEREBY GIVEN that the California Environmental Protection Agency (Cal/EPA) proposes to amend California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, sections 15100 – 15620. These proposed regulations are administrative in nature and do not impose any new reporting requirements. These proposed regulations change the format from question headings to statement headings, move text to improve the organizational structure, remove duplicities, clarify existing language, and modify citations and references for consistency with the *California Style Manual*.

PUBLIC HEARING AND WRITTEN COMMENT PERIOD

A written comment period has been established beginning January 5, 2007, and closing on February 19, 2007. Cal/EPA will hold a public hearing on the proposed regulations on February 20, 2007, at 9:00 a.m. in the Cal/EPA headquarters building, Sierra Hearing Room, 2nd Floor, 1001 "I" Street, Sacramento, California, at which time any person may present statements or arguments orally or in writing, relevant to this proposal. Please submit written comments to the contact person listed at the end of this notice. Written comments submitted no later than 5:00 p.m. on February 19, 2007, will be considered.

Representatives of Cal/EPA will preside at the hearing. Anyone who wishes to speak needs to register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 8:30 a.m. to 9:00 a.m. Registered persons will be heard in the order of registration. Other persons wishing to speak at the hearing will be given an opportunity to do so after the registered persons have been heard.

Due to enhanced security precautions at the Cal/EPA headquarters building, all visitors are required to sign in and obtain a visitor badge prior to attending any meeting. Sign-in and badge issuance occur in the Visitor and Environmental Services Center located just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification, which can be a current driver's license, military identification card, or state or federal identification card. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to 15 minutes. Please allow adequate time to sign in before being directed to the public hearing.

If you have special accommodations or language needs, please contact Ellajay Joiner, Executive Assistant, Unified Program, Cal/EPA, at (916) 327-9559 or by e-mail at ejoiner@calepa.ca.gov by February 2, 2007. TTY/TDD users may dial 711 for the California

Relay Service. Speech-to-Speech services are available by calling (800) 735-0373 or via TTY at (800) 735-0193.

AUTHORITY AND REFERENCE

The Secretary of Cal/EPA makes these amendments under the authority granted by Health and Safety Code section 25404, subdivisions (b), (c), (d), and (e); section 25404.6, subdivision (c); and section 25531.2; and Government Code section 16.5 (c). These sections require the Secretary to adopt regulations that would implement, interpret or make specific Health and Safety Code chapter 6.11 for the Unified Program.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing Law

Chapter 6.11, division 20, of the Health and Safety Code section 25404 et seq. created the Unified Hazardous Waste and Hazardous Materials Management Regulation Program (Unified Program). The regulations to implement this program are located in title 27 of the California Code of Regulations. The Unified Program is a merger of the administration of the six previously existing programs specified in Health and Safety Code section 25404 (c) and in section 15100 et seq of title 27 of the California Code of Regulations. The six program elements and related laws are:

1. Hazardous Materials Release Response Plans and Inventory – Health and Safety Code division 20, article 1, section 15500 et seq; and title 19 of the of the California Code of Regulations, sections 2620 – 2734, also known as the ‘right-to-know’ or ‘hazardous materials inventory’ programs.
2. California Accident Prevention (CalARP) Program – Health and Safety Code division 20, article 2, section 15531 et seq; and title 19 of the California Code of Regulations, sections 2735.1 – 2785.1.
3. Underground Tank Program – Health and Safety Code division 20, chapter 6.7, section 25280 et seq; and title 23 of the California Code of Regulations, section 2620 et seq.
4. Aboveground Storage Tank Program – Health and Safety Code division 20, chapter 6.67, section 25270.5 (c); and by reference federal regulations in part 112 of title 40 of the Code of Federal Regulations.
5. Hazardous Waste Generator Program and Hazardous Waste Onsite Treatment activities – Health and Safety Code division 20, chapter 6.5; and title 22 of the California Code of Regulations, division 4.5.
6. Hazardous Materials Management Plan and Hazardous Materials Inventory Statement requirements – California Fire Code title 24, part 9, sections 8001.3.2 and 8001.3.3.

Policy Statement Overview

No new provisions are implemented in these regulations. The initial and follow-on regulations implemented the legislative mandate contained in Health and Safety Code division 20, chapter 6.11 (§ 25404 et seq).

Proposed Regulations

These proposed regulations are administrative in nature and do not impose any new reporting requirements. These amendments change the format from question headings to statement headings, move text to improve the organizational structure, remove duplicities, clarify existing language, and modify for consistency with the *California Style Manual*.

California Environmental Quality Act (CEQA) Compliance

Cal/EPA has found this rulemaking is not subject to CEQA because it is a ministerial project. A memo that documents this decision is found in Cal/EPA's official regulatory file located at 1001 "I" Street, Sacramento, California.

Peer Review

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard or other requirement subject to scientific peer review.

Business Report

Cal/EPA has determined that this rulemaking will not require businesses to write a new report, as defined by Government Code section 11346.3(c).

FISCAL IMPACT ESTIMATES

Mandates on Local Agencies and School Districts: Cal/EPA has made a preliminary determination that adoption of these regulations will create no new local mandates.

Estimate of Potential Cost or Savings to Local Agencies Subject to Reimbursement: Cal/EPA has made a preliminary determination that adoption of these regulations will not impose a local mandate or result in costs subject to reimbursement pursuant to Government Code part 7, division 4, section 17500 et seq, or other non-discretionary costs to local agencies.

Cost or Savings to Any State Agency: Cal/EPA has made a preliminary determination that the proposed regulations will have no net impact on state revenue or costs.

Cost or Savings in Federal Funding to the State: Cal/EPA has made a preliminary determination that the proposed regulations will have no impact on federal revenue or costs.

Effect on Housing Costs: Cal/EPA has made an initial determination that there will be no impact on housing costs.

Cost Impacts on Representative Private Persons or Businesses: Cal/EPA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant Statewide Adverse Economic Impact on Businesses: Cal/EPA has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability to compete with businesses in other states.

Assessment Statement:

- (A) Creation or elimination of jobs within California – Cal/EPA has made a preliminary determination that no jobs will be created or eliminated in California as a result of the proposed regulations.
- (B) Creation of new businesses or the elimination of existing businesses within California – Cal/EPA has made a preliminary determination that no businesses will be created or eliminated in California as a result of the proposed regulations.
- (C) Expansion of businesses currently doing business in California – Cal/EPA has made a preliminary determination that no businesses in California will be expanded as a result of the proposed regulations.

Effect on Small Businesses: Cal/EPA has determined that provisions of this rulemaking will have no effect on small businesses. The proposed regulations create no significant impacts and do not impose any prescriptive standards or reporting requirements.

CONSIDERATION OF ALTERNATIVES

Cal/EPA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of Cal/EPA would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action. Cal/EPA invites interested persons to present comments at the scheduled hearing or during the written comment period.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

Inquiries regarding the proposed regulations may be directed to Ms. Ellajay Joiner of Cal/EPA at (916) 327-9559. Please note, however, that such oral inquiries do not become part of the rulemaking record.

Statements, arguments or contentions regarding the rulemaking or supporting documents must be submitted in writing or may be presented orally or in writing at the public hearing for them to be considered by Cal/EPA before it adopts, amends, or repeals these regulations. To be included in this regulation package's mailing list, and to receive updates of this rulemaking, please visit and subscribe to the applicable Listserv at <http://www.calepa.ca.gov/Listservs/>.

Please direct all written comments, procedural inquiries and requests for documents by mail, e-mail or fax to:

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POST-HEARING CHANGES

After the close of the comment period, Cal/EPA may adopt the proposed regulations. If substantial changes are made, the modified text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulations, attend the hearing, or provide written comments on these specific regulations will be sent a copy of the modified text, if substantive changes are made.

Once regulations have been adopted, Cal/EPA prepares a Final Statement of Reasons, which updates the Initial Statement of Reasons, summarizes how Cal/EPA addressed comments and includes other materials, as required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Ms. Joiner at the address listed above. A copy of the Final Statement of Reasons will also be posted on Cal/EPA's Web site listed above, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulations.